

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ONEY JOSEPH BAKER,

Defendant.

**CR-13-10-GF-BMM**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on July 29, 2020. (Doc. 72.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on July 28, 2020. (Doc. 69.)

The United States accused Baker of violating his conditions of supervised release 1) by using methamphetamine; 2) by failing to report to his probation officer as directed; 3) by failing to inform his probation officer of a change in residence; 4) by failing to follow the instructions of his probation officer; 5) by failing to report for substance abuse testing; and 6) by committing another crime. (Doc. 68).

At the revocation hearing, Baker admitted that he had violated the conditions of his supervised release 1) by using methamphetamine; 2) by failing to report to his probation officer as directed; 3) by failing to inform his probation officer of a change in residence; 4) by failing to follow the instructions of his probation officer; 5) by failing to report for substance abuse testing. The Government failed to satisfy its burden of proof with respect to alleged violation 6. (Doc. 69.) Judge Johnston found that the violations Baker admitted proved to be serious and warranted revocation, and recommended that Baker receive a custodial sentence of 10 months with 19 months of supervised release to follow. Baker should serve the first 60 days of supervised release in a secure drug treatment facility, if possible. Baker was advised of the 14 day objection period and his right to allocute before the undersigned. (Doc. 69.)

The violations prove serious and warrant revocation of Baker's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 72) are **ADOPTED IN FULL**.

**IT IS FURTHER ORDERED** that Defendant Oney J. Baker be sentenced to 10 months with 19 supervised release to follow. With the first 60 days of supervised release in a secure drug treatment facility, if possible.

DATED this 16th day of September, 2020.

A handwritten signature in blue ink, reading "Brian Morris".

---

Brian Morris, Chief District Judge  
United States District Court

